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THE CRIME OF GENOCIDE

Note by the Secretary-General

The General Assembly at its last session had before it a proposal by the Delegations of Cuba, India and Panama. Genocide is the denial of the right to existence of entire human groups, just as homicide is the denial of the right to live of individual human beings.

Genocide is almost as old as the world. Ancient, modern and contemporary history furnished numerous examples of it. But German Nazism endowed it with tragic reality by organizing the systematic and large-scale destruction of various racial or national groups.

The General Assembly referred the proposal to the Sixth Committee, where discussions on this subject bore witness to the general will to make genocide a crime covered and punished by international law.

The Committee's report was submitted by Professor K. H. Bailey, Australian delegate to the Assembly, which adopted on 11 December 1946 the draft resolution submitted to it.

The resolution was as follows:

"Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations.

"Many instances of such crimes of genocide have occurred when racial, religious, political and other groups have been destroyed, entirely or in part.

/"The punishment

"The punishment of the crime of genocide is a matter of international concern.

"The General Assembly, therefore,

Affirms that genocide is a crime under international law which the civilized world condemns, and for the commission of which principals and accomplices - whether private individuals, public officials or statesmen, and whether the crime is committed on religious, racial, political or any other grounds - are punishable;

Invites the Member States to enact the necessary legislation for the prevention and punishment of this crime;

Recommends that international co-operation be organized between States with a view to facilitating the speedy prevention and punishment of the crime of genocide, and, to this end,

Requests the Economic and Social Council to undertake the necessary studies, with a view to drawing up a draft convention on the crime of genocide to be submitted to the next regular session of the General Assembly."

The Assembly's resolution contains several elements. It affirms that genocide is an international crime, and then proposes the two following methods to combat it:

1. Firstly, it invites the Member States of the United Nations "to enact the necessary legislation for the prevention and punishment of this crime."

Here it is a question of internal measures to be taken by each State.

The General Assembly may think it desirable at a later date to ask Governments what measures they have taken or are contemplating in reply to this invitation.

The Economic and Social Council has no immediate step in view in this connection.

2. Secondly, the General Assembly

Recommends that international co-operation be organized between States with a view to facilitating the speedy prevention and punishment

of the crime of genocide, and, to this end,

"Requests the Economic and Social Council to undertake the necessary studies, with a view to drawing up a draft convention on the crime of genocide to be submitted to the next regular session of the General Assembly."

It is for the Economic and Social Council, assembled at its Fourth-Session, to fulfil the mandate given to it by the General Assembly.

For this purpose the Economic and Social Council may entrust the task of making the necessary studies and of drawing up a draft Convention:

1. To the Commission on Human Rights;
2. To one or several members of the Economic and Social Council.

The Secretary-General would be asked to prepare a preliminary draft in order to facilitate the task to be entrusted either to certain members of the Economic and Social Council or to the Commission on Human Rights.
